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8 **UNITED STATES DISTRICT COURT**
9 **EASTERN DISTRICT OF CALIFORNIA**
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11 JERRY WAYNE BAYS,

12 Plaintiff,

13 v.

14 STANISLAUS COUNTY SHERIFF
15 DEPARTMENT, *et al.*,

16 Defendants.
17

No. 1:22-cv-00678 JLT BAM (PC)

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS TO DISMISS
ACTION, WITHOUT PREJUDICE, FOR
FAILURE TO OBEY COURT ORDER AND
FAILURE TO PROSECUTE

(Doc. 5)

18 Jerry Wayne Bays is a county jail inmate proceeding *pro se* in this civil rights action
19 pursuant to 42 U.S.C. § 1983. On June 7, 2022, the assigned magistrate judge issued an order
20 directing Plaintiff to submit a completed application to proceed *in forma pauperis* or pay the
21 \$402.00 filing fee to proceed with this action. (Doc. 4.) Plaintiff was warned that failure to
22 comply with the Court's order would result in dismissal of this action. (*Id.*) Plaintiff did not
23 respond to the Court's order or otherwise communicate with the Court.

24 On August 9, 2022, the magistrate judge found Plaintiff failed to obey the Court's order
25 and failed to prosecute the action, and recommended the matter be dismissed without prejudice.
26 (Doc. 5.) Those Findings and Recommendations were served on Plaintiff and contained notice
27 that any objections thereto were to be filed within fourteen days after service. (*Id.* at 3–4.) No
28 objections have been filed, and the deadline to do so has now passed.

1 Pursuant to 28 U.S.C. § 636 (b)(1)(C), this Court conducted a *de novo* review of the case.
2 Having carefully reviewed the entire file, the Court concludes that the magistrate judge's findings
3 and recommendations are supported by the record and by proper analysis. Based on the
4 foregoing, the Court **ORDERS**:

- 5 1. The findings and recommendations issued on August 9, 2022 (Doc. 5), are
6 **ADOPTED** in full.
- 7 2. This action is **DISMISSED** without prejudice.
- 8 3. The Clerk of the Court is directed to close this case.

9
10 IT IS SO ORDERED.

11 Dated: **September 13, 2022**


UNITED STATES DISTRICT JUDGE